

REMARKS

The Office Action mailed June 8, 2011, has been carefully considered together with the reference cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Claim Rejections Under 35 USC § 103

Claims 1-7 and 9 stand rejected under 35 USC § 103(a) as being unpatentable over Dietz et al. (US Patent 5,318,627) in view of Grandidier et al. (US PGP 2004/0261662). Claim 8 stands rejected under 35 USC § 103(a) as being unpatentable over Dietz et al. (US Patent 5,318,627) in view of Grandidier et al. (US PGP 2004/0261662) as applied to claim 1-7 and 9 and further in view of Coffey (US PGP 2002/0119314). These rejections are respectfully overcome.

Applicants, in an attempt to accelerate prosecution will in this Amendment to the Office Action provide further information regarding the §132 affidavits previously submitted and respond to the Office's response to Applicants' previous arguments.

On page 2 of the Office Action the Office states:

As the difference in particle diameters between sample C and sample B is only 5 nm, it is not clear to the examiner that this represents an unexpected finding as the difference in particle size is minute.

Applicants did not say in the Declaration that the 5 nm difference leads to an unexpected result, rather it was stated that it was surprising to find a tremendous increase in contrast ratio despite of a similar particle size. For support, the Office is respectfully asked to review "Ad b)" in the sworn Declaration of April 4, 2011.

The Office then states, "Dietz teaches that the pigment preparations have excellent coloristic properties (col. 1-2)".

In Applicants position, the coloristic properties mentioned in Dietz are dispersibility, flocculation stability, rheology, gloss behavior and color strength (please see col 1, lines 18 and 19). These properties are important for classical applications such as paints, plastics and printing inks (please see col. 1, line 16). Dietz is, however, silent of color filters. A color filter system is neither a paint, a plastic nor a printing ink. Neither do said classical coloristic properties correlate with contrast values for a color filter. There is no link in Dietz between color filter and dispersant of formula (II).

The Office then states in response to Applicants' arguments:

Herein the applicant's genus is broad and it is not possible to ascertain a trend in the exemplified data that would allow a reasonable extension of the probative value thereof to other species in the genus...

By this Amendment, applicant has amended independent claim 1 to include the subject matter of now cancelled claim 4. In addition, claim 2 and 3 are cancelled.

The Office then goes on to state "Dietz teaches the use of the same pigment-pigment dispersant preparation in polymeric materials ... and color filters are well known to comprise pigments dispersed in thin polymeric sheets".

Applicant's respectfully cannot agree with this conclusion as Dietz is completely silent regarding any discussion of "thin polymeric sheets."

The Office also states, "[f]urthermore, the use of pigments in Dietz's pigment preparations in color filters is well known".

While it is true that PV 23 ("the pigment") is used in filters according to Grandidier; however, importantly, there is absolutely no link in Grandidier between PV 23—color filters-pigment dispersant of formula (II). This in Applicants' courteous

position is the imposition of improper hindsight gained by a knowledge of Applicants' disclosure.

With regard to claim 8, as it depends from independent claim 1 it is respectfully contended that such claim, for at least the foregoing reasons cannot be made obvious by any combination of Dietz in view of Grandidier et al. and further in view of Coffey.

In view of the above amendments and remarks, it is respectfully contended that the 35 USC § 103 rejections have been overcome. In consequence, Applicants courteously solicit reconsideration and withdrawal of the rejections.

In view of the forgoing remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Office disagrees, the Examiner is invited to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



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